

**REMARKS**

Claims 1-98 are pending in the application.

The Office Action rejected claims 1-26, 27-51, 53-73 and 74-93 under 35 USC 101 as being directed to non-statutory subject matter.

In particular, claims 19, 44, 45, 66, 86 and 87 were rejected under 35 USC 101 for recitation of a "software application." Claims 19, 44, 66 and 86 have been canceled. Claims 45 and 87 have been amended to remove reference to "software application."

The Office Action indicated that claim 1 was rejected under 35 USC 101 for reciting a control system comprising software. Applicants respectfully disagree. Claim 1 recites a control unit. As stated in the Specification, embodiments of the control unit may include a computer server. (See page 3, lines 28-30; page 7, lines 22-24.) Therefore, the subject matter of claim 1 is statutory.

The Office Action indicated that claim 27 was rejected under 35 USC 101 for reciting a method being performed by software according to claim 44. Applicants respectfully disagree. Claim 27 recites a method which is a statutory class under 35 USC 101. Furthermore, claim 44 has been canceled. Therefore, the subject matter of claim 27 is statutory.

The Office Action indicated that claim 53 was rejected under 35 USC 101 for reciting an analysis system comprising software. Applicants respectfully disagree. Claim 53 recites an analysis unit. As stated in the Specification, embodiments of the analysis unit may include a computer. (See page 23, lines 16-28.) Therefore, the subject matter of claim 53 is statutory.

The Office Action indicated that claim 74 was rejected under 35 USC 101 for reciting a method being performed by software according to claim 86. Applicants respectfully disagree. Claim 74 recites a method which is a statutory class under 35 USC 101. Furthermore, claim 86 has been canceled. Therefore, the subject matter of claim 74 is statutory.

Reconsideration of the rejections under 35 USC 101 is respectfully requested.

Claim 96 was rejected under 36 USC 112, second paragraph, for lacking antecedent basis. Claim 96 has been amended to depend from claim 95 rather than claim 93.

Reconsideration of the rejection under 35 USC 112 is respectfully requested.

Claims 1-11, 13-18, 21, 23, 26, 27-37, 39-42, 46, 48-51 and 97 were rejected under 35 USC 102(b) as being anticipated by Garfinkel (US6330317). The rejection is respectfully traversed.

Garfinkel discloses a call blocking system that automatically blocks outgoing calls "taking into account factors such as preexisting customers which may be legally contacted." (Abstract; col. 2, line 65 – col. 3, line 1) Garfinkel refers to "override/allow lists" and states that:

[t]he customer company may have established relations with one or more individuals who, while unwilling to accept telemarketing calls in general, are willing to accept telemarketing calls from this particular customer company. This list contains all such numbers for a customer company and is tagged with the customer company's CN to permit calls to such persons 53 by the allowed customer company. (col. 6, lines 1-11)

In other words, Garfinkel's override/allow list simply overrides or allows the customer company to contact any person on such list, without reference to any other criteria.

With regard to claim 1 as amended, Garfinkel does not teach or suggest a list of exempted destination identifiers that includes a date of contact associated with each exempted destination identifier. Further, Garfinkel does not teach:

determining whether to apply a particular exemption to allow the communications connection depending on a duration that the particular exemption is valid from the date of contact.

as recited in amended claim 1. Claims 27 and 97 have been amended in a manner similar to amended claim 1. The rejection of claims 1, 27 and 97 under 35 USC 102(b) is believed to be overcome based on the reasons cited above. Claims 2-11, 13-18, 21, 23, 26, 28-37, 39-42, 46 and 48-51, which depend from respective base claims 1 and 27, are believed to be allowable for at least the same reasons.

Claims 53-62, 64-65, 68-73, 75-93 and 98 were rejected under 35 USC 102(e) as being anticipated by Fergusson et al. (US2003/0212566). While not explicitly stated, it is understood that claim 74 was rejected on the same basis. The rejection is respectfully traversed.

Fergusson discloses methods and systems for providing assistance with do-not-call compliance. While Fergusson does deal with allowing calls under certain conditions and may look at databases to "determine the length of time since the prospective client transacted business

with the organization" (see paragraphs [0051-0052]), such is dealing with prospective clients and there is no disclosure relating to duration and a particular exemption stored in a list of exemption identifiers. Thus, with regard to claim 53 as amended, Fergusson does not teach or suggest a list of exempted destination identifiers that includes a date of contact associated with each exempted destination identifier. Further, Fergusson does not teach:

determining whether to apply a particular exemption to allow the communications connection depending on a duration that the particular exemption is valid from the date of contact.

as recited in amended claim 53. Claims 74 and 98 have been amended in a manner similar to amended claim 53. The rejection of claims 53, 74 and 98 under 35 USC 102(e) is believed to be overcome based on the reasons cited above. Claims 54-62, 64-65, 68-73, 75-81, 83-85 and 87-93, which depend from respective base claims 53 and 74, are believed to be allowable for at least the same reasons.

Claims 19 and 44 were rejected under 35 USC 103(a) as being unpatentable over Garfinkel in view of Trandal (US2004/0114747). The rejection is moot since claims 19 and 44 have been canceled.

Claims 20 and 45 were rejected under 35 USC 103(a) as being unpatentable over Garfinkel in view of Trandal and Prince (US2004/0148506). The rejection is overcome because claims 20 and 45 have been amended to remove reference to "software application" and for reasons noted above with respect to the novelty of respective base claims 1 and 27.

Claims 12 and 38 were rejected under 35 USC 103(a) as being unpatentable over Garfinkel in view of Fergusson. The rejection is moot since claims 12 and 38 have been canceled. The subject matter from claims 12 and 38 pertaining to "date of contact" has been incorporated into the base claims. As noted above, neither Garfinkel nor Fergusson teaches or suggests determining whether to apply a particular exemption to allow the communications connection depending on a duration that the particular exemption is valid from the date of contact.

Claim 52 was rejected under 35 USC 103(a) as being unpatentable over Garfinkel in view of Frentz et al. (US6853717). Claim 52 has been amended similar to amended claim 27. Frentz does not supply what is missing from Garfinkel as noted with respect to amended claim 27.

Claim 94 was rejected under 35 USC 103(a) as being unpatentable over Fergusson in view of Frentz. Claim 94 has been amended similar to amended claim 74. Frentz does not supply what is missing from Fergusson as noted with respect to amended claim 74.

Claims 63 and 83 were rejected under 35 USC 103(a) as being unpatentable over Fergusson in view of Garfinkel. Claims 63 and 83 are patentable for at least the reasons given for patentability of respective base claims 53 and 74.

Claims 66, 67, 86 and 87 were rejected under 35 USC 103(a) as being unpatentable over Fergusson in view of Prince. Claims 66 and 86 have been canceled. The rejection is overcome because claims 67 and 87 have been amended to remove reference to "software application" and for reasons noted above with respect to the novelty of respective base claims 53 and 74.

Claims 95 and 96 were rejected under 35 USC 103(a) as being unpatentable over Garfinkel in view of Kikinis et al. (US5960073). The Office Action stated that Garfinkel discloses "retrieving client-specific mediation rules." The disclosure at col. 5, line 54 – col. 6, line 49, cited by the Office Action, relates to lists peculiar to the customer company. However, it does not disclose such retrieval of client-specific mediation rules as required by claim 95. Reconsideration of the rejection of claims 95 and 96 is respectfully requested.

**Information Disclosure Statement**

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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